



THOMAS J. FINN
SNELL & WILMER L.L.P.
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX AZ 85004-2202

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OFFICE OF PETITIONS

In re Application of
Emily Chien et al.
Application No. 09/834,478
Filed: April 13, 2001
Attorney Docket No. 40655.1300

ON PETITION

This is a decision on the petition, filed January 19, 2006 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned August 12, 2005 for failure to timely reply to the final Office Action mailed May 11, 2005. An amendment, filed July 5, 2005, was considered and the applicant was advised in an advisory action mailed January 9, 2006, that the amendment did not place the application in condition for allowance. Accordingly, a Notice of Abandonment was mailed January 12, 2006.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

Petitioner has submitted a Request for Continued Examination (RCE) and requests that the previously filed amendment, filed July 5, 2005, be used as the submission required under 37 CFR 1.114.

The application is being forwarded to Technology Center 3629 for processing of the RCE and amendment.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions